IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 32400 of 2006(F)

PETITIONER:

N.T.JOHNY,
SWARAJ MOTORS,
KARAMANA, KILLIPALAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THIRUVANANTHAPURAM CITY CORPORATION,
REP. BY ITS SECRETARY,
CORPORATION BUILDING,
THIRUVANANTHAPURAM.

BY G.P. SRI.NANDAKUMARA MENON (SC FOR TVM CORPN.)
BY G.P. SRI.MATHEW G.VADAKKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 32400 of 2006

Dated this 6th day of December, 2006

JUDGMENT

The petitioner, who is aggrieved by Ext.P5 , has preferred Ext.P6 application before the Government. Ext.P6, according to the petitioner, has been filed under Rule 18 (5) of the Kerala Municipal Building Rules, which according to Sri. M.Balagovindan the learned counsel for the petitioner, will enable the Government to examine the correctness of Ext.P5 order passed by the 2nd respondent. I am unable to agree with the learned counsel.

As submitted by Sri.Nandakumara Menon, the learned Standing Counsel for the respondent Corporation, the petitioner, if aggrieved by Ext.P5, will have to approach the Tribunal for Local Self Government Institutions. I relegate the petitioner to his remedy before the Tribunal for Local Self Government Institutions. If the petitioner files an appeal before the Tribunal for Local Self Government Institutions within seven days of receiving a copy of this judgment, the Tribunal will entertain that

appeal as one filed on time and dispose of that appeal in accordance with law at the earliest.

In view of the above directions, coercive action in implementation of Ext.P5 will be kept in abeyance for a period of two weeks from today.

PIUS C.KURIAKOSE
Judge

dpk